

REMARKS

The Official Action of October 4, 2006, and the prior art cited and relied upon therein have been carefully studied. The claims in the application remain claims 1-11, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claims 1-11 remain in the application for consideration.

Claims 1-6, 8-9 and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by Meade '767, claim 7 under 35 U.S.C. §103(a) as being unpatentable over Meade in view of Rinfret '838, and claim 10 under 35 U.S.C. §103(a) as being unpatentable over Meade in view of Rey '507. Applicant respectfully traverses all of these rejections as applied to claim 1.

Meade also discloses a drying device, but differs first from the claimed invention in that Meade does not disclose a vertical drying chamber, but a horizontal drying chamber.

References in Meade for the horizontal drying chamber are found in:

- Column 2, line 49: "apparatus of a generally horizontal main drying chamber"
- Column 3, line 30: "the structure 10 is extended horizontally substantially as illustrated"
- Column 11, line 42: "the method making use of a horizontally extended chamber "

In column 3, lines 45-51 the working principle is explained: "with this arrangement atomized droplets are subjected to partial drying in the upper part of the chamber 18, with some finer partially dried material being carried toward the remote end of the chamber, and other partially dried heavier material gravitating downwardly into a lower portion of chamber 18".

The claimed invention relates to a spray-drying device with a vertical drying chamber:

In paragraph [0007] and [0036] of the publication of the application US-2006/0143939 A1 (hereinafter '939), Applicant explains that the drying device according to the invention comprising a vertical drying chamber has the advantage that an efficient use of the force of gravity to collect spray-dried material and fine particles is made

because of the fact that with this no additional collection and/or conveyor means are necessary.

In comparison, Meade teaches only the additional collection and/or conveyor means in the form of a drying unit (31) of the fluid bed type. The presence of the unit (31) makes the Meade drying-device in comparison with the claimed invention much more complex.

A second, more important difference between the claimed invention and the Meade drying device is that the drying device according to the invention comprises fine-particle collection means (10) for separate collection of fine particles from the spray-dried material.

Paragraphs [0008] and [0009] of '939 describe embodiments of fine-particle collection means. As described in paragraph [0009] the function of the fine-particle collection means is to ensure a reliable separation of fine particles from the spray-dried main material. The fine-particle collection means prevents the fine-particles from mixing with the spray-dried main material which are collected at the bottom of the vertical drying chamber, and allows the fine particles to be treated as a separate product, i.e. separate from the main material.

Applicant respectfully submits that the indicated 'zone C' in Meade is not an embodiment of a fine-particle collection means. The filter 'zone C' is nothing but an indication of an region in which the filter means (61) are located. With 'zone C', Meade does not disclose a structure which forms a compartment (see the Merrian Webster dictionary) in the drying chamber, which physically separates the fine-particles of the spray-dried main material. 'Zone C' is not defined by construction elements.

From the description of Meade, it is clear that zone C does not to separate the fine particles and the spray-dried main material. References in Meade to 'zone C' and the accompanying filter means are found in:

- (Column 3, line 5) when the cumulated material is dislodged from the filter membranes, fragments of the agglomerated material are intermingled with freshly introduced moist material and deposit on the secondary drying unit.
- (Column 6, line 31) "accumulated and agglomerated material is dislodged to fall by gravity into the region underlying the filter zone C".

- (Column 6, line 35) "some of this material becomes dispersed in the drying air in zones A and D to co-mingle with the moist material descending by gravity from zone A and which eventually enters the fluidised bed of material in the secondary drying 31. Also, some material may fall from the filter beds and be deposit upon that portion of the fluidised bed underlying the filters. Co-mingling of material in zone A and in the fluidised bed provides some tension to break up some oversized fragments removed from the filter units...".

Accordingly, Applicant submits it is clear, *inter alia* from column 6 of Meade, that in the described Meade drying device the fine-particles which are dislodged from the filters are collected together with the spray-dried main material in the secondary drying. Herewith, Meade does not disclose a dryer device having fine-particle collection means for separately collecting the fine particles.

Applicant respectfully submits that claims 1-6, 8-9 and 11 patentably define over Meade based on the above-identified structural differences.

Claims 7, 9 and 10 are dependent claims of independent claim 1. As above mentioned, Meade does not disclose all the features of claim 1. With a combination of the documents a person skilled in the art would not automatically achieve the invention disclosed in the claimed application. None of the cited documents, provides a means to keep fine particles separate from the main spray-dried particles, as provided in claim 1 which is hence deemed patentable. Therefore, all dependent claims are also deemed allowable.

Thus, it is respectfully submitted that the present invention is not obvious over the cited prior art.

The examiner has further provisionally rejected claims 1-11 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 17-32 of copending Application No. 10/512,552.

Applicant respectfully traverses this rejection as the two inventions are entirely unrelated. The claimed invention is directed to keeping fibers apart whereas '552 is directed to changing angles for spray drying nozzles.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently

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pertinent to warrant their applications against any of  
applicant's claims.

Favorable reconsideration and allowance are  
earnestly solicited.

Respectfully submitted,

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